

By: Alfred J. Merlie, Esquire
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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SUMMIT FAMILY MEDICAL PRACTICE, P.C.,	:	
	:	
Plaintiff,	:	
	:	Civil Action
v.	:	No. 02-3783
	:	
THE PHILADELPHIA CONTRIBUTIONSHIP	:	
INSURANCE COMPANY,	:	
	:	
Defendant	:	

ANSWER

_____COMES NOW the Defendant, The Philadelphia Contributionship Insurance Company,
by and through its attorney, Alfred J. Merlie, Esquire, and in Answer to the Plaintiff's Complaint,
states as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted in part and Denied in part. It is admitted that the stated policy of

insurance was in full force and effect, Defendant respectfully denies the rest of the allegations
contained

in said paragraph.

5. Denied.

6. Denied.

7. Denied.

COUNT I-IN ASSUMPSIT-BREACH OF CONTRACT

____ 8. Denied.

9. Denied.

10. Denied.

11. Denied.

WHEREFORE, Defendant respectfully moves this Honorable Court to enter judgment in its favor, dismiss Plaintiff's Complaint with prejudice, to assess appropriate costs and grant such other and appropriate relief as is permitted under law.

COUNT II- IN TRESPASS- 42 Pa C.S.A SECTION 8371

____ 12. Denied.

13. Denied.

14. Denied.

WHEREFORE, Defendant respectfully moves this Honorable Court to enter judgment in its favor, dismiss Plaintiff's Complaint with prejudice, to assess appropriate cost and grant such other and appropriate relief as is permitted under law.

AFFIRMATIVE DEFENSES

____ 15. The Complaint fails to state a course of action upon which relief can be granted.

16. Plaintiff's claims are barred by the application statute of limitations

17. Plaintiff's claims are barred in that the Plaintiff was required under contract

to meet a condition precedent which condition has not been met.

18. Plaintiff's claims are not entitled to a trial by jury and therefore the jury demand should be stricken.

WHEREFORE, having answered, this Defendant respectfully requests this Honorable Court to dismiss the Complaint against this Defendant with prejudice, and to assess appropriate costs and grant such other and appropriate relief as is permitted under law.

Respectfully submitted,

By: _____
Alfred J. Merlie, Esquire
Counsel for Defendant

CERTIFICATE OF SERVICE

_____I hereby certify that a true and correct copy of the foregoing Answer was served,
by the first class mail, postage prepaid, this _____ day of _____, 2002,
upon:

_____Michael J. Saltzman, Esquire
1608 Walnut Street
19th Floor
Philadelphia, PA 19103

Alfred J. Merlie, Esquire
Attorney for Defendant